

REMARKS

I. Status of the Application

Claims 32-71 are pending.

Claims 32-64 are similar to claims 1-4, 6-13, 15-20, 22-33 and 36 which were pending in parent application Serial No. 08/482,268, and which were previously rejected therein.

II. The Presently Claimed invention

The presently claimed invention is directed to providing downloadable features to identified receiving locations in a television system. Downloadable features include, for example, a software fix or upgrade, an advertisement for an enhancement, a product, and an enhancement. Data relating to these features are provided to multiple receiving locations from a main location. These data also include an identifier which identifies at least one of the receiving locations. The data are then stored in the identified receiving locations. A processor then uses the data to implement at least one of the features.

III. Previous Rejection in Parent Application Serial No.  
08/482,268

Claims 32-64 are similar to claims 1-4, 6-13, 15-20, 22-33 and 36 of the parent application Serial No. 08/482,268, which were variously rejected under 35 U.S.C. § 102(e) as being anticipated by Bacon et al. ('Bacon') and 35 U.S.C. § 103 as being obvious over Bacon in view of Litteral et al. ('Litteral') or Reiter et al. ('Reiter'). For the reasons set forth below, reconsideration of the rejection with respect to claims 32-64 and allowance of all claims are respectfully requested.

Bacon discloses a system for reprogramming a set top terminal in a subscription television system so that an older television set appears to a viewer to have the functionality of a newer television set. Program code is downloaded from the headend to the set top terminal during a series of defined transactions between the headend and the terminal.

Litteral discloses a system for providing video programming on demand. The system allows a subscriber to order video programming using a standard telephone. After ordering, the requested video programming is sent via an asymmetrical digital subscriber line from the appropriate server to the subscriber. Such "pay-per-view" systems were cited in the background section of the present application.

Reiter discloses a system for viewing television programming information on a television, wherein the television programming information is updatable via telephone link, magnetic cards, floppy disks, television subcarrier, or radio subcarrier.

Applicants respectfully submit that Bacon does not anticipate independent claims 32, 46, 54 and 64 as stated in the previous Rejection. Specifically, Bacon does not disclose multiple receiving locations for receiving data associated with features and transmitted by a satellite transmitter or terrestrial antenna, wherein the data is received by a receiver located within at least one of a television, a VCR and a TVCR. Further, Bacon does not disclose implementing features in at least one of a television, a VCR and a TVCR. Rather, Bacon only discloses a system in which program code for a control program of a set top terminal is received by the set top terminal and implemented in the set top terminal. Bacon only pertains to systems in which the control program of a set top terminal is reprogrammed, or updated, to provide the subscriber with added functionality. Specifically, features found in newer television receivers can be provided for older television receivers through use of the updated control program of the set top terminal (subscriber terminal) attached to the television receiver. In this manner an older television set can appear to a user to have the functionality of a newer television set through the updated control program of the set top terminal. Such a system is illustrated in Figure 1 of Bacon, for example, and described throughout the specification (e.g., Col 1, lines 10-42). The presently claimed invention, to the contrary allows new

DRAFT - DRAFT - DRAFT - DRAFT - DRAFT

functionality to be implemented directly in a television set, or in a VCR, or the like.

Applicants respectfully submit that Bacon does not anticipate independent claims 41 and 60 as stated in the Rejection. Specifically, Bacon does not disclose a television system with a computer storage device retrieving executable software associated with at least one feature from a computer readable storage medium, such as laser disks, compact disks, floppy disks and magnetic medium, for example. Rather, Bacon only pertains to a system with a set top terminal that receives program code transmitted over cable from a headend in a CATV system. Such a cable distribution system is illustrated, as above, in Figure 1 and described throughout the specification (e.g., Col. 4, lines 59-65).

Therefore, since independent claims 32, 41, 46, 54, 60 and 64 are believed to be novel and unobvious, applicants respectfully submit that all claims that depend from these independent claims are similarly novel and unobvious.

Additionally, Applicants respectfully assert that since claims 36, 44 and 51 each depend from claims which are believed to be patentable, these claims are similarly patentable. Furthermore, Applicants respectfully disagree with the contention that it would have been obvious to use traditional telephone ordering as disclosed in Litteral with the system of Bacon. Bacon discloses a modem and telephone link for data communication with telephone processor 16 and system manager 12, which communicates with billing computer 11. (Figure 1; Col. 6, lines 4-10). There is, therefore, no motivation to use conventional telephone ordering where a subscriber calls by telephone with the system of Bacon because a computer data link via telephone and modem is already provided in Bacon for ordering updates for the set top terminal control program. Thus, it would not have been obvious to use traditional telephone ordering with the system disclosed in Bacon.

Additionally, Applicants respectfully assert that since claims 62 and 63 both depend from claims which are believed to be

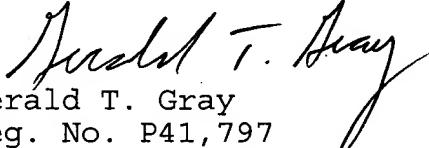
patentable, these claims are similarly patentable. Furthermore, Applicants respectfully disagree with the contention that the combination of Bacon and Reiter would yield the system claimed in claim 62. Specifically, neither reference teaches or suggests retrieving executable software from a computer readable storage medium such as a laser disk, a compact disk, a floppy disk or magnetic medium, wherein the software includes an identifier indicating specific receiving locations. Therefore, whether or not it would have been obvious to add a disk drive to the system of Bacon, doing so would not result in the invention of claim 62.

IV. Conclusion

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 576-0200.

Respectfully submitted,

  
Gerald T. Gray  
Reg. No. P41,797

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, California 94111-3834  
(415) 576-0200  
Fax (415) 576-0300  
GTG:sb